

clarity. This revision is called to the attention of the General Assembly.

The phrase "to either party" is new language added to conform to the Maryland Equal Rights Amendment, Article 46 of the State Declaration of Rights.

The only other changes are in style.

11-103. SAME -- EXISTENCE OF GROUND FOR DIVORCE.

THE EXISTENCE OF A GROUND FOR DIVORCE AGAINST THE PARTY SEEKING ALIMONY IS NOT AN AUTOMATIC BAR TO THE COURT AWARDING ALIMONY TO THAT PARTY.

REVISOR'S NOTE: This section formerly appeared as the second clause of the first sentence of former Article 16, § 1(a).

The only changes are in style.

11-104. SAME -- AGAINST NONRESIDENT DEFENDANT.

(A) IN GENERAL.

IN A PROCEEDING FOR A LIMITED OR ABSOLUTE DIVORCE, THE COURT MAY AWARD TO THE PLAINTIFF ALIMONY AS A PART OF A DECREE GRANTING A DIVORCE OR ALIMONY PENDENTE LITE, IF:

(1) THE BILL OF COMPLAINT ASKS FOR ALIMONY AND SAYS THAT THE DEFENDANT OWNS PROPERTY IN THIS STATE; AND

(2) THE COURT LACKS OR IS UNABLE TO EXERCISE PERSONAL JURISDICTION OVER THE DEFENDANT.

(B) LIMIT ON AWARD.

ANY ALIMONY OR ALIMONY PENDENTE LITE THAT IS AWARDED UNDER THIS SECTION IS PAYABLE ONLY FROM THE PROPERTY REFERRED TO IN THE BILL OF COMPLAINT OR THE PROCEEDS OF THAT PROPERTY. THE COURT MAY PASS ANY ORDER REGARDING THE PROPERTY THAT IS NECESSARY TO MAKE THE AWARD EFFECTIVE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 16, § 4.

In subsection (a)(2) of this section, the phrase "the court lacks or is unable to exercise personal jurisdiction over the defendant" is substituted for the former reference to a "nonresident defendant" in light of Keen v. Keen, 191 Md. 31 (1948), in which the Court of Appeals determined that the legislative intent in enacting former Article 16, § 4 was to establish quasi in rem jurisdiction over the property